

Arguments/Remarks

Claims 18 to 28 and 43 to 51 are pending. Claims 1 to 17 and 29 to 42 have been cancelled. New Claims 43 to 51 have been added.

Support for the amendments to Claim 18 can be found throughout the Specification, e.g., at paragraphs 1, 26, 28, 38, 66, 67, 106, 107 to 113, and throughout the Examples, particularly at paragraphs 140 and 171.

Claims 19 to 28 have been amended to properly reference Claim 18, from which they depend. Support for these amendments can be found in the claims as previously presented, and throughout the Specification, e.g., at paragraphs 1, 26, 28, 38, 66, 67, 106, 107 to 113, and throughout the Examples, particularly at paragraphs 140 and 171.

Support for new claims 43 to 51 can be found throughout the Specification, e.g., at paragraphs 1, 2, 26, 28, 38, 66, 67, 70, 106, 107 to 113, and throughout the Examples, particularly at paragraphs 140 and 171.

Amendments to the Specification have been presented, as described below.

No new matter is added.

Applicants thank the Office for withdrawing the objections and rejections not reiterated in the present Office Action.

Objection to Specification

The disclosure stands objected to because that amendment filed 18 November 2010 to insert Sequence identifiers used the incorrect format for referencing Sequence identifiers.

The amendments have been re-submitted in this document, with Sequence identifiers in the correct format (e.g., "SEQ ID NO: 5").

Entry of these amendments and withdrawal of this objection are respectfully requested.

Claim objections

Claims 19 to 28 stand objected to under 37 CFR 1.75 (c), as being of improper dependent form. These claims pertain to a "use", but Claim 18, from which they depend, relates to a "method."

Claims 19 to 28 have been amended to refer to the "method" of Claim 18.

Entry of these amendments and withdrawal of these objections are respectfully requested.

Claim rejections – 35 U.S.C. §§101 and 112

The Office has rejected claims 19 to 28 under 35 U.S.C. 112, first paragraph, and 35 U.S.C. 101 for allegedly lacking any steps involved in the claimed process.

The Office had alleged that claims 19 to 28, relating to a “use” had improperly depended from claim 18, relating to a method of making.

Claims 19 to 28 have been amended to relate to “The method according to claim 18”. Claim 18 provides a method comprising several steps. Thus claims 19 to 28 relate to a method comprising several steps.

Withdrawal of these rejections and allowance of the claimed subject matter are respectfully requested.

Claim rejections – 35 U.S.C. §102

Claim 18 stands rejected under 35 U.S.C. 102(b) as allegedly being anticipated by WO 02/088358 (Bougueleret et al.); and under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 7,223,563 (Econs et al.).

Claim 18 as amended and new claim 43 recite a method of treating deregulated angiogenesis or inhibiting angiogenesis, comprising the step of administering FGF-23, a bioactive fragment or variant thereof, or the like.

Applicants note that Bougueleret does not specifically recite the utility of FGF-23 in treatment of deregulated angiogenesis or in inhibition of angiogenesis, or of any of the indications noted in the present claims (e.g., a disease associated with deregulated angiogenesis, retinopathies, age-related macular degeneration, haemangioblastoma, haemangioma, tumors, renal disease, arteriosclerosis, atherosclerosis, psoriasis, etc.).

Applicants also note that Econs et al. does not specifically recite the utility of FGF-23 in the treatment of deregulated angiogenesis or in inhibition of angiogenesis.

Withdrawal of these rejections and allowance of the claimed subject matter are respectfully requested.

Conclusions

Entry of these amendments and consideration of the amended claims is respectfully requested.

Please feel free to contact the below signed person with any issues or questions.

Respectfully submitted,

Novartis Institutes for Biomedical Research, Inc.
220 Massachusetts Avenue
Cambridge, MA 02139
(617) 871-5077

/ Frank Wu /
Frank Wu
Agent for Applicants
Reg. No. 41,386

Date: 28 April 2011